

Daily Digest

Senate

Chamber Action

*Routine Proceedings, pages*S265–S291

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2031–2033, and S. Res. 292. **Page S286**

Measures Reported:

S. 129, to provide for reform relating to Federal employment, with an amendment in the nature of a substitute. (S. Rept. No. 108–223) **Page S286**

Pension Funding Equity Act—Agreement: Senate resumed consideration of H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, taking action on the following amendments proposed thereto: **Pages S266–78**

Adopted:

Grassley (for Nickles) Amendment No. 2264 (to Amendment No. 2233), to express the sense of the Senate with respect to the status of private pension plans. **Pages S274–75**

Grassley Modified Amendment No. 2261 (to Amendment No. 2233), to extend transfers of excess pension assets to retiree health accounts. **Page S278**

Pending:

Grassley Amendment No. 2233, of a perfecting nature. **Pages S266–78**

Kyl Amendment No. 2236 (to Amendment No. 2233), to restrict an employer that elected an alternative deficit reduction contribution from applying for a funding waiver. **Page S266**

Rejected:

Kyl Amendment No. 2234 (to Amendment No. 2233), to limit the liability of the Pension Benefit Guaranty Corporation with respect to a plan for which a reduced deficit contribution is elected. (By 67 yeas to 25 nays (Vote No. 4), Senate tabled the amendment). **Pages S266–72**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11 a.m., on Wednesday, January 28, 2004, that there be 30 minutes for debate, equally divided between

the Chairman and the Ranking Member of the Committee on Finance, or their designees; that Senator Kyl control 10 additional minutes; that, upon conclusion of debate, the Senate vote in relation to amendment No. 2236; that, upon disposition of the amendment, the Senate vote on the question of agreeing to amendment No. 2233; that, upon disposition of said amendment, the bill, as amended, be read the third time and the Senate then vote on final passage of the bill. **Pages S278, S291**

Executive Communications: **Pages S284–86**

Additional Cosponsors: **Pages S286–87**

Statements on Introduced Bills/Resolutions: **Pages S287–89**

Additional Statements: **Pages S281–84**

Amendments Submitted: **Pages S289–91**

Notices of Hearings/Meetings: **Page S291**

Authority for Committees to Meet: **Page S291**

Record Votes: One record vote was taken today. (Total—4) **Page S272**

Adjournment: Senate convened at 12 noon, and adjourned at 4:49 p.m., until 11 a.m., on Wednesday, January 28, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S291.)

Committee Meetings

(Committees not listed did not meet)

FOOD SAFETY: BSE

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the current situation regarding the discovery of a case of Bovine Spongiform Encephalopathy (BSE) in a dairy cow in Washington State as it relates to food safety, livestock marketing and international trade, after receiving testimony from Senators Durbin and Allard; Ann M. Veneman, Secretary of Agriculture; Lester M. Crawford, Deputy Commissioner of Food and Drugs, Department of Health and Human Services; and Alfonso Torres, Cornell University College of Veterinary Medicine, Ithaca, New York.

ECONOMIC OUTLOOK

Committee on the Budget: Committee concluded a hearing to examine the budget and economic outlook for fiscal years 2005 to 2014, after receiving testimony from Douglas Holtz-Eakin, Director, Congressional Budget Office.

AFGHANISTAN

Committee on Foreign Relations: Committee concluded a hearing to assess the international effort to stabilize and rebuild Afghanistan, focusing on the International Security Assistance Force (ISAF), after receiving testimony from General James L. Jones, Supreme Allied Commander Europe (SACEUR), Supreme Headquarters, Allied Powers Europe, Mons, Belgium; and William B. Taylor, Jr., Coordinator for Afghanistan, Department of State.

MUTUAL FUNDS

Committee on Governmental Affairs: Subcommittee on Financial Management, the Budget, and International Security concluded an oversight hearing to examine the disclosure of mutual fund fees and the need for additional disclosures of mutual fund practices, including how the fees and other costs that investors pay as part of owning fund shares can affect their investment returns, after receiving testimony from Richard J. Hillman, Director, Financial Markets and Community Investment, General Accounting Office; New York Attorney General Eliot L. Spitzer, Albany; Peter T. Scannell, Weymouth Landing, Massachusetts; James Nesfield, Nesfield Capital, Engelhard, North Carolina; John C. Bogle, Bogle Financial Markets Research Center/Vanguard Group, Valley Forge, Pennsylvania; Jeffrey C. Keil, Lipper Inc., Travis Plunkett, Consumer Federation of America, Paul S. Stevens, Dechert LLP, on behalf of the Investment Company Institute, and Marc E. Lackritz, Securities Industry Association, all of Washington, D.C.; and John P. Freeman, University of South Carolina School of Law, Columbia.

U.S. GOVERNMENT CONTINUITY

Committee on the Judiciary: Committee concluded a hearing to examine a proposed constitutional amendment to guarantee a functioning Congress, with respect to ensuring the continuity of the United States government, after receiving testimony from former Senator Alan Simpson, on behalf of the Continuity of Government Commission; Sanford V. Levinson, University of Texas Law School, Austin; and Howard M. Wasserman, Florida International University College of Law, Miami.

SEAPORT SECURITY

Committee on the Judiciary: Subcommittee on Terrorism, Technology, and Homeland Security concluded a hearing to examine seaport security since September 11, 2001, focusing on the National Targeting Center, the Automated Targeting System, the Container Security Initiative, and non-intrusive inspection and radiation detection technologies, after receiving testimony from Rear Admiral Larry L. Hereth, Director of Port Security, U.S. Coast Guard, and Robert M. Jacksta, Executive Director, Border Security and Facilitation, Office of Field Operations, Customs and Border Protection, both of the Department of Homeland Security; and Gary M. Bald, Acting Assistant Director, Counter-Terrorism Division, Federal Bureau of Investigation, Department of Justice.

RETIREMENT PLANNING

Special Committee on Aging: Committee concluded a hearing to examine retirement planning, including retirement reform proposals, after receiving testimony from Jack L. VanDerhei, Temple University, Philadelphia, Pennsylvania, on behalf of the Employee Benefit Research Institute; and Jagadeesh Gokhale, CATO Institute, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 6 public bills, H.R. 3729–3734; 1 private bill, H.R. 3735; and 1 resolution, H. Con. Res 350, were introduced. **Page H127**

Additional Cosponsors: **Page H128**

Reports Filed: Reports were filed today as follows:

H. Res. 502, providing for consideration of S. 610, to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration (H. Rept. 108–406); and

H. Res. 503, providing for consideration of S. 1920, to extend for 6 months the period for which

chapter 12 of title 11 of the United States Code is reenacted (H. Rept. 108–407). **Page H127**

Speaker: Read a letter from the Speaker wherein he appointed Representative Bonner to act as Speaker pro tempore for today. **Page H101**

Recess: The House recessed at 12:44 p.m. and reconvened at 2 p.m. **Page H103**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Extending the authorization for a postage stamp to benefit breast cancer research: H.R. 1385, to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research, by a $\frac{2}{3}$ yeas-and-nays vote of 331 yeas to 1 nay, Roll No. 6; **Pages H104–09, H112–13**

Medical Devices Technical Corrections Act of 2003: H.R. 3493, to amend the Federal Food, Drug, and Cosmetic Act to make technical corrections relating to the amendments made by the Medical Device User Fee and Modernization Act of 2002, by a $\frac{2}{3}$ yeas-and-nays vote of 333 yeas with none voting “nay”, Roll No. 7; **Pages H109–12, H113**

Joint Meeting of Congress: Agreed that it be in order at any time on Wednesday, February 4, 2004, for the Speaker to declare a recess, subject to the call of the chair, for the purpose of receiving in Joint Meeting His Excellency Jose Maria Aznar, President of the Government of Spain. **Page H112**

Recess: The House recessed at 2:54 p.m. and reconvened at 6:31 p.m. **Page H112**

Quorum Calls—Votes: Two yeas-and-nays votes developed during the proceedings of the House today and appear on pages H112–13 and H113. There were no recorded votes or quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 8:40 p.m.

Committee Meetings

BUDGET AND ECONOMIC OUTLOOK

Committee on the Budget: Held a hearing on the Budget and Economic Outlook—Fiscal Years 2005–2014. Testimony was heard from Douglas Holtz-Eakin, Director, CBO.

NASA WORKFORCE FLEXIBILITY ACT

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on S. 610, NASA Workforce Flexibility Act of 2003, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and 20 minutes equally divided

and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule provides that the bill shall be considered for amendment under the five-minute rule and that it shall be considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehlert.

FAMILY FARMER BANKRUPTCY RELIEF EXTENSION

Committee on Rules: Granted, by voice vote, a modified closed rule providing one hour of general debate on the bill S. 1920, to extend for 6 months the period for which chapter 12 of title 11 of the United States code is reenacted, and amendments made in order equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule provides that it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of H.R. 975 as passed by the House, and that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments to that amendment in the nature of a substitute which are printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. The rule provides one motion to recommit with or without instructions. Section 2 of the resolution provides that if the Senate bill, as amended, is passed then it shall be in order to move that the House insist on its amendment to S. 1920 and request a conference thereof. Testimony was heard from Chairman Sensenbrenner and Representative Baldwin.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D5)

H.R. 2673, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year

ending September 30, 2004. Signed on January 23, 2004. (Public Law 108–199)

COMMITTEE MEETINGS FOR WEDNESDAY, JANUARY 28, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nominations of Francis J. Harvey, of California, to be an Assistant Secretary of Defense, William A. Chatfield, of Texas, to be Director of Selective Service, and Lawrence T. Di Rita, of Michigan, to be an Assistant Secretary of Defense, 9:30 a.m., SR–222.

Full Committee, to hold hearings to examine efforts to determine the status of Iraqi weapons of mass destruction and related programs, 11 a.m., SD–106.

Committee on Commerce, Science, and Transportation: to hold hearings to examine NASA's future space mission, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold a closed briefing regarding steps toward rapprochement in relation to Pakistan and India, 9 a.m., S–407, Capitol.

Full Committee, to hold hearings to examine steps toward rapprochement relating to Pakistan and India, 10:30 a.m., SH–216.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine health issues relating to health care costs and the uninsured, 10:30 a.m., SD–430.

Committee on Indian Affairs: business meeting to consider pending calendar business, 10 a.m., SR–485.

Committee on the Judiciary: to hold hearings to examine the nomination of Franklin S. Van Antwerpen, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, 10 a.m., SD–226.

House

Committee on Agriculture, hearing to review the Potential Impact of Recent Temporary Guest Worker Proposals on the Agriculture Sector, 11 a.m., 1300 Longworth.

Committee on Armed Services, hearing on the Operation Iraqi Freedom Force Rotation Plan, 1 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Freddie Mac's Accounting Restatement: Are Accounting Standards Working?" 10 a.m., 2322 Rayburn.

Subcommittee on Health, to consider H.R. 3658, Stroke Treatment and Ongoing Prevention Act, 10 a.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled "'Can you say that on TV?': An Examination of the FCC's Enforcement with Respect to Broadcast Indecency," 10:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "Congressional Review of OCC Preemption," 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "Avoiding 'Financial Friendly Fire': A Review of Efforts to Overcome Army National Guard Pay Problems," 10 a.m., 2154 Rayburn.

Special Panel on Postal Reform and Oversight, hearing entitled "Answering the Administration's Call for Postal Reform—Part I," 2 p.m., 2154 Rayburn.

Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs and the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, joint hearing entitled "What is the Administration's Record in Relieving Burden on Small Business," 2 p.m., 2247 Rayburn.

Committee on the Judiciary, to mark up the following measures: H.R. 1073, To repeal section 801 of the Revenue Act of 1916; H.R. 1768, Multidistrict Litigation Restoration Act of 2003; H. Res. 412, Honoring the men and women of the Drug Enforcement Administration on the occasion of its 30th Anniversary; H.R. 3095, Community Recognition Act of 2003; H.R. 339, Personal Responsibility in Food Consumption Act; H.R. 2824, Internet Tobacco Sales Enforcement Act; and H. Res. 56, Supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II, 10 a.m., 2141 Rayburn.

Committee on Science, Subcommittee on Environment, Technology, and Standards, to mark up H.R. 3551, Surface Transportation Research and Development Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Veterans' Affairs, hearing on the Department of Veterans Affairs long-term care policies, 12 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing to review Federal and State Oversight of Child Welfare Programs, 10:30 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, to mark up H. Res. 499, requesting the President and directing the Secretary of State, the Secretary of Defense, and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the possession of the President and those officials relating to the disclosure of the identify and employment of Ms. Valerie Plame, 10 a.m., H–405 Capitol.

Select Committee on Homeland Security, Subcommittee on Infrastructure and Border Security, hearing entitled "Integrity and Security at the Border: The US VISIT Program," 11 a.m., 345 Cannon.

Next Meeting of the SENATE

11 a.m., Wednesday, January 28

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 3108, Pension Funding Equity Act, with votes on pending amendments and a vote on final passage of the bill. Also, Senate may consider certain judicial nominations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, January 28

House Chamber

Program for Wednesday: Consideration of S. 610, NASA Workforce Flexibility Act of 2003 (open rule, one hour of general debate).

Consideration of S. 1920, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted (modified closed rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

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Congressional Record

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